

**To:** Smith, Bonnie[smith.bonnie@epa.gov]  
**Cc:** duteau, helen[Duteau.Helen@EPA.GOV]  
**From:** White, Terri-A  
**Sent:** Tue 1/14/2014 6:29:30 PM  
**Subject:** Re: Interim Statement as Requested on regulatory requirement

Shawn approved but ask Alisha on the call is HQ. Is ok with it.

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**From:** Smith, Bonnie  
**Sent:** Tuesday, January 14, 2014 12:19:30 PM  
**To:** duteau, helen; White, Terri-A  
**Subject:** Re: Interim Statement as Requested on regulatory requirement

Terri thanks for putting this together. Was this approved and used yesterday?

If so, I'd like to share this with Bill Smith, Trish Taylor, Mark F and others.

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**From:** duteau, helen  
**Sent:** Tuesday, January 14, 2014 11:04:36 AM  
**To:** Smith, Bonnie  
**Subject:** FW: Interim Statement as Requested

**From:** White, Terri-A  
**Sent:** Monday, January 13, 2014 6:46 PM  
**To:** White, Terri-A; Johnson, Alisha; Garvin, Shawn; Early, William  
**Cc:** duteau, helen  
**Subject:** RE: Interim Statement as Requested

Please copy Helen on responses.

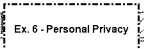
**From:** White, Terri-A  
**Sent:** Monday, January 13, 2014 6:44 PM  
**To:** Johnson, Alisha; Garvin, Shawn; Early, William  
**Subject:** Interim Statement as Requested  
**Importance:** High

Alisha, Shawn, Bill –

I drafted this statement as an interim response to NY Times and others asking about EPA's regulatory authority. Also, Ken Ward asked a question (below). I saw that our response to WSJ was "no, Freedom Industries was not required to report the spill to us under CERCLA," but does "NO" apply across the board – Federal, that is? Let me know.

### **Interim Response:**

EPA continues to work closely with other Federal and State agencies in West Virginia as they begin implementing a plan for getting the water system back on-line. As those efforts are already underway, EPA is also examining state and federal response authorities associated with the incident to determine next steps and the environmental laws and regulations applicable to the facility. This review will help inform EPA's activities going forward.

From: Ken Ward Jr <@gmail.com>

Sent: Monday, January 13, 2014 7:55:35 AM

To: White, Terri-A

Subject: Question for EPA

Was Freedom Industries required to report this spill under federal environmental law? Which law?

Ken Ward Jr.

Charleston Gazette

Terri A. White

Acting Deputy Director

Office of Public Affairs/Office of State and Congressional Relations

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